

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THE PLASTIC SURGERY CENTER, LLC,

Plaintiff,

v.

AETNA HEALTH, INC.,

Defendant.

No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, on the date set forth below, Defendant Aetna Health Inc. (“Aetna”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this action, styled *The Plastic Surgery Center, P.A. v. Aetna Health, Inc.*, Doc. No. MON-L-4196-17, from the Superior Court of New Jersey, Monmouth County, to the United States District Court for the District of New Jersey. The procedural history and grounds for removal are as follows:

INTRODUCTION

1. On or about October 25, 2017, Plaintiff The Plastic Surgery Center, P.A. (“TPSC”), initiated a civil action against Aetna by filing a Complaint in New Jersey state court. A copy of that Complaint, the accompanying summons, and the

docket report is attached hereto as Exhibit 1. TPSC contends, *inter alia*, that it provided medical services to a patient covered by a health benefits plan sponsored by Aetna. TPSC further alleges that Aetna failed to pay it for the medical services allegedly provided to this patient. (Compl. ¶¶ 4–15.)

GROUND FOR REMOVAL

2. Aetna removes this case because the parties are completely diverse and the amount in controversy exceeds the jurisdictional threshold. Thus, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

3. The parties named in this action are completely diverse and the amount in controversy exceeds the jurisdictional threshold.

4. Plaintiff TPSC is a New Jersey limited liability company, based in Monmouth County, New Jersey. (*See* Ex.1, Compl. ¶ 1; Ex. 2, New Jersey Company Search Results for The Plastic Surgery Center, P.A.)

5. Defendant Aetna is a Connecticut corporation, with its principal place of business located in Hartford, Connecticut. (*See* Ex. 3, Connecticut Company Search Results for Aetna Health Inc.)

6. Because Plaintiff is a citizen of New Jersey and Defendant is a citizen of Connecticut, the parties are completely diverse.

7. Further, TPSC contends that Aetna did not pay it enough for medical claims it submitted for payment following the alleged treatment of one of TPSC's

patients. (Compl. ¶¶ 6–14.) TPSC seeks to recover, *inter alia*, the amount it charged for the medical services allegedly provided to the patient at issue. (*Id.* at *ad damnum* clause.)

8. The bills submitted by TPSC totaled \$292,742, and TPSC claims that it is owed approximately \$95,534.04. (Compl. ¶¶ 6–14.) This exceeds the jurisdictional threshold set forth in 28 U.S.C. § 1332.

9. Both requirements for jurisdiction under 28 U.S.C. § 1332—complete diversity and the requisite amount in controversy—are thus satisfied in this case.

TIMELINESS OF REMOVAL

10. TPSC filed the Complaint on October 25, 2017, and served it no earlier than December 13, 2017.

11. Aetna files this Notice of Removal within the timeframe prescribed by 28 U.S.C. § 1446(b)(1).

VENUE

12. Plaintiff's action was pending in the Superior Court of New Jersey, Law Division, Monmouth County, New Jersey, which is within this judicial district. *See* 28 U.S.C. ¶ 110. This Court is thus the proper venue for removal under 28 U.S.C. § 1441(a) & 1445(a).

NOTICE

13. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal will be provided to TPSC and a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Monmouth County, Law Division, in the form attached as Exhibit 4.

Respectfully submitted,

/s/ Lynne N. Kolodinsky

Gregory S. Voshell

Lynne N. Kolodinsky

ELLIOTT GREENLEAF, P.C.

925 Harvest Drive, Suite 300

Blue Bell, PA 19422

DATE: January 12, 2018

Counsel for Defendant Aetna Health, Inc.

CERTIFICATE OF SERVICE

I, Lynne N. Kolodinsky, hereby certify that a true and correct copy of the attached NOTICE OF REMOVAL was served via regular mail and electronic mail on this 12th day of January, 2018, upon the following:

James A. Maggs, Esq.
Maggs & McDermott, LLC
3349 Hwy. 138, Bldg. C, Suite D
Wall, NJ 07719
Attorney for Plaintiff

/s/ Lynne N. Kolodinsky
Lynne N. Kolodinsky